

### **REMARKS**

Applicants thank the Examiner for his comments. Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has decreased.

#### **Amendment to the Claims**

Applicants amended Claims 1, 13, and 36 to include limitations from dependent Claims 5, 6, 17, 18, 42, and 43, respectively. Claims 5, 17, and 42 have been amended in view of amended Claims 1, 13, and 36. Claims 6, 18, and 43 have been canceled in view of amended Claims 1, 13, and 36. No new matter has been added to the claims by this Amendment.

#### **Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 36 and 42-44 under 35 U.S.C. §102(b) as being anticipated by Kawaguchi et al., U.S. Patent 5,921,948, is respectfully traversed.

Amended independent Claim 36 recites an adhesive including components each having a minimum molecular weight of at least 1,500 daltons. The Kawaguchi et al. Patent does not disclose or suggest using an adhesive including

components each having a minimum molecular weight of at least 1,500 daltons. The minimum molecular weight recited in Claim 36 provides an adhesive that will not undesirably interfere with the analytical techniques disclosed in Applicants' Specification (*See* page 9, first full paragraph). The Examiner's position is that the adhesives listed in the Kawaguchi et al. Patent include the adhesives recited in Claim 42, and thus the adhesives listed in the Kawaguchi et al. Patent would have the recited properties.

The Examiner's position is not correct. The adhesives recited in Claim 42 are not the same as the adhesives listed in the paragraph bridging column 3 and 4 of the Kawaguchi et al. Patent. The Examiner is also incorrect in presuming the properties are the same. For example, Applicants disclose at page 9 of the Specification that known adhesive formulations were modified to provide the recited minimum molecular weight.

The Kawaguchi et al. Patent does not disclose or suggest an adhesive having Applicants' minimum molecular weight of at least 1,500 daltons. Therefore, the Kawaguchi et al. Patent does not anticipate Applicants' amended independent Claim 36. As the Kawaguchi et al. Patent does not teach any of the adhesives recited in dependent Claim 42, the Kawaguchi et al. Patent also does not anticipate Applicants' invention of Claim 42. The Kawaguchi et al. Patent also does not disclose or suggest an adhesive having the boiling point recited in Claim 44.

**Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 1, 2, 5-7, 9-12, 37-38, and 46 under 35 U.S.C. §103(a) as being unpatentable over Kawaguchi et al., U.S. Patent 5,921,948, is respectfully traversed.

As discussed above, the Kawaguchi et al. Patent does not disclose or suggest using an adhesive including components each having a minimum molecular weight of at least 1,500 daltons, as recited in amended Claim 1. The Examiner's position is that the adhesives listed in the Kawaguchi et al. Patent include the adhesives recited in Claim 5, and thus the adhesives listed in the Kawaguchi et al. Patent would have the recited properties. The Examiner's position is not correct. The adhesives recited in Claim 5 are not the same as the adhesives listed in the paragraph bridging column 3 and 4 of the Kawaguchi et al. Patent. The Examiner is also incorrect in presuming the properties are the same.

The Kawaguchi et al. Patent does not suggest Applicants' recited adhesive to one skilled in the art. Applicants disclose at page 9 of the Specification that adhesives of this invention with components each having a minimum molecular weight of at least 1,500 daltons generally do not interfere with typical analytical techniques for testing drug presence. As also disclosed by Applicants at page 9, known adhesives had to be modified to provide the recited minimum molecular weight.

The recited minimum molecular weight solves a stated problem and is for a particular purpose not disclosed or suggested by the Kawaguchi et al. Patent. One skilled in the art would find no suggestion or motivation in the Kawaguchi et al. Patent to include an adhesive material having Applicants' recited minimum molecular weight. The Kawaguchi et al. Patent discloses a surgical dressing, not an article for measuring external drug transfer to skin, as in Applicants' claimed invention. There is no reason to modify an adhesive material in a surgical dressing to have Applicants' recited molecular weight. The surgical dressing is not intended for measuring drug transfer to skin.

Reconsideration and withdrawal of this rejection are respectfully requested. Claims 2, 5, 7, 9-12, 37, and 38 depend from one of Claims 1 and 36, and are thus patentable for at least the same reasons as Claims 1 and 36 discussed above.

The rejection of Claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Kawaguchi et al., U.S. Patent 5,921,948, in view of Dow, Jr., U.S. Patent 5,120,325, is respectfully traversed. Claims 3 and 4 depend from Claim 1, and are patentable for at least the same reasons discussed above.

The rejection of Claims 8 and 45 under 35 U.S.C. §103(a) as being unpatentable over Kawaguchi et al., U.S. Patent 5,921,948, in view of Macphee, U.S.

Patent 6,762,336, is respectfully traversed. Claims 8 and 45 depend from Claims 1 and 36, respectively, and are patentable for at least the same reasons discussed above.

### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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